

# SENATE JOURNAL

## OF THE

# IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTY-FIRST LEGISLATURE

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TENTH LEGISLATIVE DAY  
WEDNESDAY, JANUARY 18, 2012

Senate Chamber

President Little called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senators Brackett and Nuxoll, absent and formally excused by the Chair.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Brian Kreis, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 17, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

### Petitions, Resolutions, and Memorials

#### SCR 110

#### BY HEALTH AND WELFARE COMMITTEE

#### A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND ACKNOWLEDGING THE SERIOUSNESS OF ALZHEIMER'S DISEASE AND OTHER DEMENTIAS IN IDAHO BY ENDORSING THE IDAHO ALZHEIMER'S PLANNING GROUP AND SUPPORTING SAID PLANNING GROUP'S COMPREHENSIVE APPROACH TO THE DEVELOPMENT OF A STATEWIDE PLAN TO ADDRESS THE NEEDS OF PEOPLE WITH ALZHEIMER'S DISEASE AND OTHER DEMENTIAS, THEIR FAMILY MEMBERS AND CAREGIVERS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, some 26,000 Idahoans are currently diagnosed with Alzheimer's disease, and the number is projected to double in the next 14 years; and

WHEREAS, Idaho is projected to have the fifth highest increase in people suffering from Alzheimer's disease among all of the United States over the next several years; and

WHEREAS, Alzheimer's disease is the only major cause of death that has a mortality rate that continues to increase; and

WHEREAS, Idaho's mortality rate from Alzheimer's disease is consistently higher than the national average; and

WHEREAS, 41% of the more than 12,000 Idahoans living in nursing homes have moderate to severe dementia; and

WHEREAS, the Idaho Alzheimer's Planning Group is developing a plan to address the problem of Alzheimer's disease and other dementias throughout the state; and

WHEREAS, the Idaho State Plan for Alzheimer's disease and other dementias will help agencies, organizations and individuals develop specific programs and strategies to meet the needs of Alzheimer's patients, their families and caregivers at the state, regional and local levels.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that the state of Idaho acknowledges the seriousness of the impact of Alzheimer's disease and other dementias upon the state by endorsing the Idaho Alzheimer's Planning Group's community awareness, data collection and resulting statewide plan development and implementation efforts to address the issue.

BE IT FURTHER RESOLVED that the members of the Second Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, support Idaho Alzheimer's Planning Group's comprehensive approach toward educating the public about Alzheimer's disease and other dementias; collecting and analyzing statewide data related to current and future needs for Alzheimer's patients, families and caregivers; and recommending programs and strategies for addressing those needs.

[SCR 110](#) was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

January 18, 2012

The JUDICIARY AND RULES Committee reports that [S 1219](#), [S 1220](#), [S 1221](#), [S 1222](#), [S 1223](#), and [S 1224](#) have been correctly printed.

DARRINGTON, Chairman

[S 1219](#), [S 1221](#), and [S 1222](#) were referred to the Judiciary and Rules Committee.

[S 1220](#), [S 1223](#), and [S 1224](#) were referred to the Education Committee.

January 18, 2012

The STATE AFFAIRS Committee reports out [SJR 102](#) with the recommendation that it do pass.

MCKENZIE, Chairman

[SJR 102](#) was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

### Messages from the Governor

January 16, 2012

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

January 16, 2012

I have the honor to inform you that Kenneth T. Anderson of Rigby, Idaho, was appointed as a member of the Idaho Fish and Game Commission to serve a term commencing July 5, 2011, and expiring June 30, 2015.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

January 16, 2012

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Fred Trevey of Lewiston, Idaho, was appointed as a member of the Idaho Fish and Game Commission to serve a term commencing June 30, 2011, and expiring June 30, 2015.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

January 16, 2012

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Nick Purdy of Picabo, Idaho, was appointed as a member of the Board of Environmental Quality to serve a term commencing July 1, 2011, and expiring July 1, 2015.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Health and Welfare Committee.

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that John Randolph MacMillan of Buhl, Idaho, was appointed as a member of the Board of Environmental Quality to serve a term commencing July 1, 2011, and expiring July 1, 2015.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Health and Welfare Committee.

January 16, 2012

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Kevin C. Boling of Coeur d'Alene, Idaho, was appointed as a member of the Board of Environmental Quality to serve a term commencing October 11, 2011, and expiring July 1, 2015.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Health and Welfare Committee.

January 16, 2012

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Mark J. Holubar of Idaho Falls, Idaho, was appointed as a member of the Idaho Personnel Commission to serve a term commencing November 17, 2011, and expiring July 1, 2017.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.

January 16, 2012

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that John Michael Brassey of Boise, Idaho, was appointed as a member of the Idaho Personnel Commission to serve a term commencing July 1, 2011, and expiring July 1, 2017.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.

January 16, 2012

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Peter J. Black of Pocatello, Idaho, was appointed as a member of the Idaho Personnel Commission to serve a term commencing July 1, 2011, and expiring July 1, 2017.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.

January 17, 2012

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Gerald "Jerry" Trebesch of Boise, Idaho, was appointed as a member of the State Soil and Water Conservation Commission to serve a term commencing October 4, 2011, and expiring July 1, 2016.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Agricultural Affairs Committee.

January 17, 2012

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that H. Norman Wright of American Falls, Idaho, was appointed as a member of the State Soil and Water Conservation Commission to serve a term commencing October 4, 2011, and expiring July 1, 2012.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Agricultural Affairs Committee.

The Senate advanced to the Ninth Order of Business.

### Messages from the House

January 17, 2012

Dear Mr. President:

I transmit herewith [H 355](#), which has passed the House.

ALEXANDER, Chief Clerk

[H 355](#) was filed for first reading.

The Senate advanced to the Tenth Order of Business.

### Motions and Resolutions

On request by Senator Davis, granted by unanimous consent, the seats as presently occupied were permanently assigned to the Senators for the Second Regular Session of the Sixty-first Idaho Legislature.

The President announced that Senator Daniel Johnson will serve on the Commerce and Human Resources Committee and Local Government and Taxation Committee, and on request by Senator Davis, granted by unanimous consent, *nunc pro tunc*, January 9, 2012.

The President announced that Senator Jeff Siddoway will be the Chairman for the Agricultural Affairs Committee and Senator Tim Corder will be the Chairman for the Local Government and Taxation Committee, and on request by Senator Davis, granted by unanimous consent, *nunc pro tunc*, January 9, 2012.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,  
House Petitions, Resolutions, and Memorials**

**S 1225**

**BY COMMERCE AND HUMAN RESOURCES  
COMMITTEE**

**AN ACT**

RELATING TO IDAHO REAL ESTATE LICENSE LAW;  
AMENDING SECTION 54-2014, IDAHO CODE, TO  
INCREASE THE MAXIMUM FEE AMOUNT FOR A  
LICENSE EXAM.

**S 1226**

**BY COMMERCE AND HUMAN RESOURCES  
COMMITTEE**

**AN ACT**

RELATING TO IDAHO REAL ESTATE LICENSE LAW;  
AMENDING SECTION 54-2013, IDAHO CODE, TO  
INCREASE THE MAXIMUM PREMIUM AMOUNT FOR  
ERRORS AND OMISSIONS INSURANCE COVERAGE.

**S 1227**

**BY COMMERCE AND HUMAN RESOURCES  
COMMITTEE**

**AN ACT**

RELATING TO IDAHO REAL ESTATE LICENSE LAW;  
AMENDING SECTION 54-2023, IDAHO CODE, TO  
PROVIDE ADDITIONAL REQUIREMENTS RELATING TO  
CONTINUING EDUCATION CLASSROOM HOURS AND  
TO MAKE A TECHNICAL CORRECTION.

**S 1228**

**BY COMMERCE AND HUMAN RESOURCES  
COMMITTEE**

**AN ACT**

RELATING TO IDAHO REAL ESTATE LICENSE LAW;  
AMENDING SECTION 54-2012, IDAHO CODE, TO  
REVISE A PROVISION RELATING TO THE MINIMUM  
REQUIREMENTS FOR AN INDIVIDUAL PRIMARY IDAHO  
LICENSE; AND AMENDING SECTION 54-2093, IDAHO  
CODE, TO REMOVE AN OBSOLETE TERM.

**S 1229**

**BY TRANSPORTATION COMMITTEE**

**AN ACT**

RELATING TO SPEED LIMITS; AMENDING SECTION  
49-654, IDAHO CODE, TO PROVIDE THAT THE SPEED  
LIMITS FOR VEHICLES WITH FIVE OR MORE AXLES  
OPERATING AT A GROSS WEIGHT OF MORE THAN  
TWENTY-SIX THOUSAND POUNDS SHALL BE THE SAME  
AS FOR OTHER MOTOR VEHICLES.

**S 1230**

**BY STATE AFFAIRS COMMITTEE**

**AN ACT**

RELATING TO FILING OF FOREIGN JUDGMENTS;  
AMENDING SECTION 10-1302, IDAHO CODE, TO REVISE  
WHERE COPIES OF FOREIGN JUDGMENTS SHALL BE  
FILED AND TO MAKE A TECHNICAL CORRECTION.

**S 1231**

**BY STATE AFFAIRS COMMITTEE**

**AN ACT**

RELATING TO A MOTOR VEHICLE INSPECTION AND  
MAINTENANCE PROGRAM; AMENDING SECTION

39-116B, IDAHO CODE, TO PROVIDE FOR A ONE YEAR  
WAIVER UPON CERTAIN EVENTS OCCURRING.

[S 1225](#), [S 1226](#), [S 1227](#), [S 1228](#), [S 1229](#), [S 1230](#), and  
[S 1231](#) were introduced, read the first time at length, and referred  
to the Judiciary and Rules Committee for printing.

[H 355](#), by Revenue and Taxation Committee, was  
introduced, read the first time at length, and referred to the Local  
Government and Taxation Committee.

On request by Senator Davis, granted by unanimous consent,  
the Senate advanced to the Fifteenth Order of Business.

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Malepeai,  
by voice vote, the Senate adjourned at 11:55 a.m. until the hour  
of 11 a.m., Thursday, January 19, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary